

C—Financial accounting records:

1. Ledgers.
2. Journals.
3. General and subsidiary cash books.
4. Voucher distribution registers.
5. Vouchers.
6. Accounts receivables and payables.
7. Working or petty cash funds.
8. Uncollectible accounts.

D—Payrolls and personnel:

1. Payroll records.
2. Personnel records.

E—Equipment and other property:

1. Records, reports and statements showing cost or inventory value.
2. Records and memoranda pertaining to depreciation, retirements and replacements.
3. Contracts and agreements relating to construction, acquisition or sale.

F—Purchases and stores:

1. Records of materials and supplies inventory.
2. Bids, offers and orders pertaining to sale or purchase of materials and supplies.
3. Materials and supplies received and issued.

G—Insurance, taxes and claims:

1. Insurance records.
2. Tax records.
3. Claims records.

H—Shipping and agency documents:

1. Shipping documents.
2. Contracts covering risks in transportation and storage.
3. Copies of waybills and freight bills.
4. Freight records and reports.
5. Agents' remittance slips and bank deposit slips.
6. Agents' balance sheets.
7. Miscellaneous records pertaining to agents' accounts.
8. Instructions to agents and representatives.
9. Information to the public.
10. Other agency records.

I—Tariffs and rates:

1. Tariffs and classifications—originals.
2. Tariffs and classifications—duplicates.
3. Special or reduced-rate orders.
4. Requests and receipts for tariffs and classifications.
5. Concurrences and powers of attorney.
6. Written requests for quotations and copies of quotations.
7. Correspondence and working papers in connection with tariffs.

J—Reports and related statistics:

1. Annual reports to regulatory bodies.
2. Quarterly and semi-annual reports to regulatory bodies.
3. Annual reports or statements to stockholders.
4. Accountants' and auditors' reports.

J—Reports and related statistics—Continued

5. Accident reports.
6. Other financial and statistical statements.
7. Tabulating cards, tapes and other media.

K—Miscellaneous:

1. Correspondence relating to records.
2. Duplicate copies of records.
3. Authorizations and certificates for destruction of records.
4. Organization manuals.

§ 249.28 Waivers of requirements of this subpart.

A waiver from any provision of this subpart may be made by the Board upon its own initiative or upon submission of a written request therefor by any freight forwarder. Each request for waiver shall demonstrate that unusual circumstances warrant a departure from prescribed retention periods, procedures or techniques or that compliance with such prescribed requirements would impose an unreasonable burden upon the freight forwarder, and that the granting of the waiver would be in the public interest.

§ 249.29 Effective date.

This subpart shall become effective on September 1, 1965. The retention requirements prescribed in this subpart shall be applicable to all records remaining in the custody of any freight forwarder, subject to its provisions, upon the effective date of this subpart as well as to all records subsequently acquired. With respect to individual records, each retention period herein prescribed shall commence upon the date when the records are created or otherwise come into the possession of the freight forwarder.

NOTE: The record-retention requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

PART 250—PRIORITY RULES, DENIED BOARDING COMPENSATION TARIFFS AND REPORTS OF UNACCOMMODATED PASSENGERS

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250.1	Definitions.
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250.3	Priority rules.
250.4	Filing of denied boarding compensation tariffs.
250.5	Amount of denied boarding compensation.
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- 250.8 Denied boarding compensation drafts.
- 250.9 Written explanation of denied boarding compensation.
- 250.10 Reports of unaccommodated passengers.

AUTHORITY: The provisions of this Part 250 issued under secs. 204(a) and 416(a), 72 Stat. 743 and 771; 49 U.S.C. 1324 and 1386. Interpret or apply secs. 102, 403, 404, and 411 of the Federal Aviation Act of 1958, 72 Stat. 240, 758, 760, and 769; 49 U.S.C. 1302, 1373, 1374, and 1381; and secs. 3 and 4 of the Administrative Procedure Act, 81 Stat. 54, 80 Stat. 383; 5 U.S.C. 552 and 553.

SOURCE: The provisions of this Part 250 contained in ER-503, 32 F.R. 11942, Aug. 18, 1967, unless otherwise noted.

§ 250.1 Definitions.

For the purpose of this part:

"Carrier" means an air carrier, except a helicopter operator or an air carrier conducting intra-Alaska service exclusively, holding a certificate issued by the Board pursuant to section 401(d) (1) and (2) of the Act, authorizing the transportation of persons.

"Confirmed reserved space" means space on a specific date and on a specific flight and class of service of a carrier which has been requested by a passenger and which the carrier or its agent has verified, by appropriate notation on the ticket, as being reserved for the accommodation of the passenger.

"Stopover" means a deliberate interruption of a journey by the passenger, agreed to in advance by the carrier, at a point between the place of departure and the place of destination.

"Value of the first remaining flight coupon" means the applicable one-way fare, including any surcharge, less any applicable discount.

§ 250.2 Applicability.

This part applies to all carriers as defined in § 250.1 and applies to flights or portions of flights originating or terminating in the United States, its territories or possessions, but excludes flights originating and terminating within the State of Alaska.

§ 250.3 Priority rules.

Every carrier shall establish priority rules and criteria for determining which passengers holding confirmed reserved space shall be denied boarding on an oversold flight. Every carrier shall file with the Board two copies of such rules and criteria, including that portion of its

company manual instructing employees on the order of boarding priorities in case of an oversold flight. Such rules and criteria shall not make, give or cause any undue or unreasonable preference or advantage to any particular person or subject any particular person to any unjust discrimination of any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

§ 250.4 Filing of denied boarding compensation tariffs.

Subject to the exceptions provided in § 250.6, every carrier shall file tariffs providing compensation to a passenger holding confirmed reserved space who presents himself for carriage at the appropriate time and place, having complied fully with the carrier's requirements as to ticketing, check-in and reconfirmation procedures and being acceptable for transportation under the carrier's tariff, and the flight for which the passenger holds confirmed reserved space is unable to accommodate the passenger and departs without him.

NOTE: See § 221.38(a) (7) of this chapter.

§ 250.5 Amount of denied boarding compensation.

Subject to the exceptions provided in § 250.6, the tariffs required by this part shall provide for compensation to be paid a passenger holding confirmed reserved space, as described in § 250.4, at the rate of 100 percent of the value of the first remaining flight coupon with a \$25 minimum and a \$200 maximum.

§ 250.6 Exceptions to eligibility for denied boarding compensation.

A passenger shall not be eligible for denied boarding compensation if:

(a) The flight for which the passenger holds confirmed reserved space is unable to accommodate him because of: (1) Government requisition of space; or (2) substitution of equipment of lesser capacity when required by operational and/or safety reasons; or

(b) The carrier arranges for alternate means of transportation, which, at the time such arrangement is made, is planned to arrive at the passenger's next point of stopover earlier than, or not later than two hours after, the time the flight, for which confirmed reserved space is held, is planned to arrive in the case of interstate and overseas air transportation, or 4 hours after such time in the case of foreign air transportation; or

(c) The passenger is accommodated on the flight for which he holds confirmed reserved space, but is offered accommodations or is seated in a section of the aircraft other than that specified in his ticket at no extra charge: *Provided*, That a passenger seated in a section for which a lower fare is charged shall be entitled to an appropriate refund.

§ 250.7 Denied boarding compensation as liquidated damages.

The tariffs required by this part shall specify that the carrier will tender, on the day and place the denied boarding occurs, compensation in the amount specified above, which, if accepted by the passenger, shall constitute liquidated damages for all damages incurred by the passenger as a result of the carrier's failure to provide the passenger with confirmed reserved space.

§ 250.8 Denied boarding compensation drafts.

Every carrier shall tender to a passenger eligible for denied boarding compensation, on the day and place the denied boarding occurs, a draft for the appropriate amount of compensation provided in § 250.5, and the reverse side of such draft shall include a release stating that when the draft is endorsed by the passenger, the passenger thereby relieves the carrier from liability for all claims for damages which might accrue to the passenger as a result of the carrier's failure to provide the passenger with space on the flight in question, provided that the draft is endorsed and paid within 30 days of the date on which the denied boarding occurs: *Provided, however*, That where a carrier arranges, for the passenger's convenience, alternate means of transportation which departs before the draft can be prepared and tendered the passenger, tender shall be made by mail or other means within 24 hours after the time the denied boarding occurs.

§ 250.9 Written explanation of denied boarding compensation.

Every carrier shall furnish passengers who are denied boarding on flights on which they hold confirmed reserved space, immediately after the denied boarding occurs, a written statement explaining the terms, conditions and limitations of the denied boarding compen-

sation provided by this part. Each carrier shall, prior to the effective date of this rule, file three copies of the statement with the Bureau of Operating Rights, and the statement shall include the language hereinafter set forth: *Provided, however*, That where a carrier desires to use a statement of its own making which contains the substance of the following language, it may do so after it has submitted the statement to the Board and the Board has approved it.

Tariffs filed by this carrier with the Civil Aeronautics Board provide denied boarding compensation to a passenger holding confirmed reserved space where the flight for which the passenger holds such space is unable to accommodate him and departs without him.

Passengers eligible for denied boarding compensation shall be compensated at the rate of 100 percent of the value of the first remaining flight coupon on their tickets with a \$200 maximum and a \$25 minimum. The carrier is required to tender to each such passenger, on the day and place the denied boarding occurs, a draft in the amount specified above which, if endorsed and paid within 30 days, shall relieve the carrier from liability for all claims for damages which might accrue to the passenger as a result of the carrier's failure to provide the passenger with space on the flight in question. Where, however, the carrier arranges, for the passenger's convenience, alternate means of transportation which departs before the draft can be prepared and tendered the passenger, tender will be made by mail or other means within 24 hours after the time the denied boarding occurs.

In order to qualify for such compensation a passenger must have complied fully with the carrier's requirements as to ticketing, check-in and reconfirmation procedures and be acceptable for transportation under the carrier's tariff. However, a passenger is not eligible for compensation if (a) the flight for which the passenger holds confirmed reserved space is unable to accommodate him because of Government requisition of space or substitution of equipment of lesser capacity for operational and/or safety reasons; (b) the carrier arranges for alternate means of transportation, which, at the time such arrangement is made, is planned to arrive at the passenger's next point of stopover earlier than, or not later than 2 hours after, the time the flight, for which confirmed reserved space is held, is planned to arrive in the case of interstate and overseas transportation, or 4 hours after such time in the case of foreign air transportation; or (c) the passenger is accommodated on the flight for which he holds confirmed reserved space, but is offered accommodations or is seated in a section of the aircraft other than that specified in his ticket at no extra charge: *Provided*, That a passenger seated in a sec-

tion for which a lower fare is charged shall be entitled to an appropriate refund.

§ 250.10 Reports of unaccommodated passengers.

Carriers shall file reports with the Bureau of Accounts and Statistics, in CAB Form 250 (Appendix A of this part),¹ with respect to the applicable markets specified hereinafter, of the total number of revenue passengers boarded and the number of unaccommodated passengers in three categories: denied boarding on aircraft, downgrades and upgrades. The markets for which such reports shall be filed are those for which on-time reporting is filed in accordance with Part 234 of the Board's Economic Regulations and, in addition, New York-San Juan. Local service carriers shall, in addition to reports which may be required by Part 234, file such data for the five top-ranking markets of each. The reports shall cover the third month in each calendar quarter and shall be filed within 45 days after the month covered by the report. In addition, carriers shall file, on a monthly basis, the information requested in Appendix B of this part (CAB Form 251).¹ These reports may be on a system basis or limited to those stations accounting for 67 percent of the carrier's total enplanements, or the top 15 stations, whichever number is greater. The information in Item 4 shall be limited to the passengers enplaned at the reported stations and not the system total. Further, a list of the stations included should be appended to each report. These reports are to be submitted within 30 days after the month covered by the report. Those carriers with both domestic and international operations shall file separate reports for each. Reports covering international operations shall be withheld from public disclosure.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

PART 251—PROHIBITED INTERESTS; INTERLOCKING RELATIONSHIPS

Sec.

- 251.1 Application for approval.
- 251.2 Formal requirements of applications.
- 251.3 General provisions concerning contents of applications.
- 251.4 Approval of system of affiliated and subsidiary companies.

¹ Appendices A and B filed as part of the original document.

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- 251.5 Supplements to applications.
- 251.6 Uninterrupted tenure; no new applications required.
- 251.7 Notice of changes in positions.
- 251.8 Extent of authorization to hold position.
- 251.9 Revocation of authorization to hold position.
- 251.10 Effect of order.
- 251.11 Reports.
- 251.12 Prior applications.
- 251.13 Procedure governing disposition of applications.

Appendix I.

AUTHORITY: The provisions of this Part 251 issued under secs. 204, 407, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377.

SOURCE: The provisions of this Part 251 contained in ER-146, 14 F.R. 3543, June 29, 1949, unless otherwise noted.

§ 251.1 Application for approval.

If approval by the Board is desired of an interlocking relationship which would otherwise be prohibited by section 409 (a) of the act (referred to in this part as an "interlocking relationship"), an application for such approval shall be filed with the Board by the individual (referred to in this part as the "individual applicant") occupying or seeking to occupy the interlocking relationship and by each air carrier (hereinafter in this part referred to as the "air carrier applicant") in which such individual holds or seeks to hold the position of officer or director. At their election such applicants may join in a single application. If separate applications are submitted it is desirable that all shall be filed at the same time. An application may incorporate by specific reference current information contained in another application in the same matter or in any document then on file with the Board.

§ 251.2 Formal requirements of applications.

Applications filed pursuant to this part shall conform generally to the outline set forth in § 251.3 and to the requirements of § 302.3 of this chapter, with the additional requirements that each individual verifying the application shall include in his verification a statement that he has personally made a careful investigation of the proposed interlocking relationship and that the application includes all of the information required by this part and that it contains no misleading statement and does not omit information which would